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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John A. Lust et al.

Examiner: A. S. Wehbé

Serial No.: 09/730374

Group Art Unit: 1632

Filed: December 5, 2000

Docket No.: 150.188US2

Title: USE OF GENETICALLY ENGINEERED ANTIBODIES TO CD38 TO TREAT
MULTIPLE MYELOMA



AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.111

Commissioner for Patents
Washington, D.C. 20231

Applicant has reviewed the Office Action mailed on November 7, 2002. Please amend the above-identified patent application as follows.

In the Claims

Please cancel claims 2, 14 and 16 without prejudice.

Please substitute the claim set in the appendix entitled "Clean Version of Pending Claims" for the previously pending claim set. Specific amendments to individual claims are detailed in the following marked-up claims.

Please amend the claims as follows.

- C1
1. (Amended) A therapeutic composition, comprising:
 - a) a polypeptide comprising a polypeptide which specifically binds CD38 or a portion thereof linked to a polypeptide which specifically binds DNA or a portion thereof, wherein the polypeptide which specifically binds CD38 is an antibody; and
 - b) a DNA sequence encoding a cytotoxic agent which is operably linked to a cell- or tissue-specific transcriptional unit.

- C2
3. (Amended) The composition of claim [2] 1 wherein the antibody is obtained from an antibody secreted by hybridoma HB7.

- C3
9. (Amended) The composition of claim [2] 1 wherein the antibody is a humanized antibody.